

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-71359

DAVID J. KWIATKOWSKI,

Chapter 13

Debtor.

Judge Thomas J. Tucker

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**ORDER REGARDING CREDITOR SUMMIT GROUP HOLDINGS, LLC'S
OBJECTIONS TO CONFIRMATION**

This case came before the Court for two hearings on confirmation of the Debtor's proposed Chapter 13 plan (Docket # 12). The Court then held an evidentiary hearing regarding the objection to confirmation of the unsecured creditor Summit Group Holdings, LLC ("Summit Group"). Today the Court has filed a written opinion (Docket # 138). For the reasons stated in the Court's written opinion,

IT IS ORDERED that:

1. Summit Group's objection to confirmation of Debtor's Chapter 13 plan is sustained, to the extent and for the reasons stated in the Court's written opinion, and confirmation of Debtor's Chapter 13 plan (Docket # 12) is denied.
2. ***No later than February 8, 2013***, Debtor must do one of the following: (a) file a notice of conversion under 11 U.S.C. § 1307(a) and Fed.R.Bankr.P. 1017(f)(3), to convert this case to Chapter 7; or (b) file a motion to dismiss this case under 11 U.S.C. § 1307(b) and Fed.R.Bankr.P. 1017(f)(2).
3. If Debtor timely files a motion to dismiss this case, as permitted under paragraph 2 of this Order, the Court will promptly enter an order barring the Debtor from filing any new bankruptcy case, under any chapter of the Bankruptcy Code, for one year, without further notice or hearing.
4. If Debtor does not timely take one of the actions permitted under paragraph 2 of this Order, the Court will promptly enter an order converting this case to Chapter 7, without further notice or hearing.

Signed on January 25, 2013

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge